

3. To update the rules to be consistent with current statutes and previously revised chapters of the Solid Waste Rules and Regulations.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 4

Chapter 4 was revised to consolidate similar topics into individual sections; eliminate unneeded text and requirements; included annual reports in lieu of permit renewals and extended permit terms to the life of the facility through closure; clarified the groundwater monitoring requirements to be consistent with Chapter 2; included corrective action standards; clarified closure standards and closure permit application contents; and corrected redundancies, grammar, and formatting errors.

Section 1, In General.

- a. Deleted unnecessary Section 1 paragraphs “Applicability”, “Objective”, “Severability”, and “Reserved”.
- b. Permit transition requirements were moved from Section 2 to Section 1(c) and revised to remove outdated text.
- c. Added permit termination procedures to Section 1(d)(iii) to implement the relatively new permit termination procedures in Chapter 1.
- d. Permit terms from Section 2(e) were moved to Section 1(d) and revised so that operating permits will now be issued for the life of the facility, through closure.
- e. New Section 1(e) was added to provide reference to definitions found in W.S. 35-11-103(a) and (d) of the Wyoming Environmental Quality Act and the definitions in Solid Waste Rules and Regulations Chapter 1.

Section 2, Permit Application Requirements.

- a. The general requirements for permit applications were summarized in Section 2(a).
- b. The requirement for the professional geologist to be licensed in the State of Wyoming was added in new Section 2(a)(iii).
- c. Former Section 2(b)(ii) paragraphs (A)(I) through (X)(1-3) relating to the contents of permit applications were moved to Section 3 and edited there. Former Section 2(b)(ii)(A)(V) and (VII) regarding local zoning and location standards are addressed in new Section 4. Former Section 2(b)(ii)(A)(VIII) regarding geology is addressed in new Section 5. Former Section 2(b)(ii)(A)(XI) regarding information that would limit a site’s suitability as a CD landfill is

unnecessary and was deleted entirely. Former Section 2(a)(ii)(A)(X) regarding operation, design and construction is now addressed in new Sections 6 and 7.

d. The remaining design, operating, monitoring and closure standards in former Section 2(b)(ii)(X)-(XII) were consolidated in new Sections 6, 7, 8 and 11 respectively. Any changes to these rules are described in their respective new sections of the rule.

e. Former Section 2(b)(ii)(X)(9.) requiring a description of landfill equipment is not necessary and was deleted entirely.

f. Map requirements in former Sections 2(b)(ii)(B) – (I) (except Subparagraph F) have been moved to new Section 17 and edited there.

g. Former Section 2(b)(ii)(F) that allowed submittal of maps that address only the first permit term has been deleted completely because operating permits will now be issued for the operating life of the facility through closure. Consistent with recent changes to Chapter 2, operators will need to provide plot plans showing orderly development and use of the facility through the life of the site.

h. Renewal application requirements in former Section 2(c) have been revised to accommodate permits issued for the remaining operating life of the facility in new Section 2(b).

i. Closure permit application requirements in former Section 2(d) have been consolidated in new Section 11 and any edits have been made there.

j. Permit terms in Section 2(e) were moved to Section 1(d) and revised.

k. Financial assurance standards that were in former Section 2(f) were moved to new Section 13.

Section 3, General Facility Information.

a. General facility information has been consolidated in new Section 3.

b. Training requirements formerly in Section 2(b)(ii)(A)(II) (Shown also in new Section 3 (b)) were moved to new Section 7.

c. New Section 3(i), “Access Agreement” was added to address 2015, Senate Enrolled Act No. 61.

Section 4, Location Standards.

a. Location standards have been consolidated in Section 4.

b. W.S. 35-11-502(c) location standards from former Section 3(c), (d), (e) and (o) have been referenced in the rule and the duplicative text removed from the rule.

c. Facility location standards related to distances from surface waters in former Section 3(f) were applicable to entire facilities (all land within the permit boundary regardless of whether or not the land is used for disposal) rather than individual disposal units. Surface water restrictions for wetlands and floodplains are addressed in new Section 4(b) that applies to the location of new disposal units and lateral expansions, not to the location of the entire facility.

d. The location standard for “Hydrologic conditions” in former Section 3(m) has been eliminated because other location standards and design, construction, operating, and monitoring standards address the protection of surface and groundwater.

e. The location standard for dust, odor and nuisance potential in former Section 3(n) has been eliminated because these operating issues are addressed in new Section 7.

f. The provision in new Section 4(d) that location standards do not apply to roads leading to facilities was added for clarification and is consistent with Chapter 2.

Section 5, Geology, Hydrology, Hydrogeology.

a. Information on geology, hydrology, and hydrogeology is now in new Section 5.

Section 6, Design and Construction Standards.

a. Design and construction standards are now all in new Section 6.

b. The access restrictions in former Section 4(b) have been moved to new Section 7.

c. The requirement to post the title and phone number of the responsible person to contact in the event of an emergency has been added to new Section 6(b)(i)(C).

d. The firelane requirement in former Section 4(e) has been moved to new Section 7.

e. The surface water design standards in new Section 6(f) have been revised to be consistent with Chapter 2, Section 7(e).

f. Sediment control has been added to new Section 6(g) to be consistent with Chapter 2, Section 7(e)(iii).

g. Litter control in former Section 4(j) is now addressed in new Section 7.

h. New Section 6(k) has been added in the event that engineered containment is necessary. Operators may use Department guidance or make their own demonstration that an engineered containment system is not necessary. Chapter 2, Section 7(g) and (h) have been referenced for engineered containment system design and construction requirements.

Section 7, Operating Standards.

- a. Operating Standards are now all in new Section 7.
- b. New Section 7(b)(iv) was changed to require that, after termination of a solid waste manager's employment, a new manager must be designated with three (3) months consistent with Chapter 2, Section 8(a) rather than the six (6) months specified in former Section 5(c)(ii)(C).
- c. Former Section 5(b) with requirements for operators to demonstrate that standby equipment will be available is unnecessary and has been deleted.
- d. Former Section 5(d) "cover frequency" has been shortened in new Section 7(c) and monthly cover will now be required at all facilities, regardless of the volume of waste received to protect groundwater, control vectors and prevent the spread of fires. A new provision has been added for operators to propose alternate types of routine cover.
- e. Former Section 5(e) "confine working face" included access control information that is now addressed in new Section 7(d).
- f. Waste screening requirements were deleted from former Section 5(e) and are now addressed in new Section 7(v).
- g. Fire protection requirements from former Section 5(i) have been consolidated in new Section 7(h).
- h. Former Section 5(p) "Phased reclamation" was deleted because this is addressed in new Section 11.
- i. Former Section 5(u) was moved to new Section 7(s) "Groundwater quality".
- j. Former Section 2(b)(ii)(A)(X) was moved to new Section 7 and deleted because topsoil is addressed in new Section 6(d).
- k. Recordkeeping standards formerly in Section 5(w) have been moved to new Section 9.
- l. The reference to special waste standards formerly in Section 5(x) have been moved to new section 15.
- m. The reference to waste treatment and storage requirements in former Section 5(y) has been moved to new Section 14.

Section 8, Monitoring Standards.

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- a. Groundwater monitoring standards from former Section 6 have been moved to Section 8 and clarified to be more consistent with Chapter 2. To avoid unnecessary duplication

and keep the rule concise, applicable sections of Chapter 2, including sampling and analysis and statistical evaluations, have been referenced in Chapter 4, Section 8.

b. Detection monitoring standards in new Section 8(b)(iv) are based on Chapter 2, Section 9(b)(i)(D). Detection monitoring for CD landfills will include Chapter 2, Appendix C constituents.

c. Assessment monitoring standards in new Section 8(b)(v) are based on Chapter 2, Section 9(b)(i)(E). The Administrator will have the flexibility to specify appropriate Chapter 2 Appendix A or B assessment monitoring constituents based on site specific conditions. The Administrator will have the flexibility to consider site specific conditions when deciding whether or not to require a nature and extent of contamination investigation, assessment of corrective measures, and the implementation of corrective action remedies.

Section 9, Recordkeeping Standards.

a. Recordkeeping standards have been consolidated in new Section 9.

b. Consistent with Chapter 2, Section 11, recordkeeping standards have been revised to specify records that need to be maintained for just three (3) years and those that must be maintained through the post-closure period.

c. A new standard to maintain a log of waste inspections and other screening activities has been added to new Section 9(b)(vi) because waste screening will be a critical groundwater protection measure in unlined CD landfills.

d. Former Section 7(c) for maintaining records of operator training has been moved to new Section 9(b)(vii).

e. A new requirement, consistent with Chapter 2, to maintain records of written correspondence with the Department has been added to new Section 9(b)(viii).

f. New Section 9(b)(ix) was added to clarify that closure plans and post-closure information, such as inspection logs and monitoring, must be maintained through the post-closure period.

Section 10, Reporting Standards.

a. New Section 10 "Reporting Standards" was added.

b. New Section 10 requires annual reports to ensure that without routine permit renewals, information regarding the facility is communicated to the Department and maintained in Department records.

c. New Section 10 also requires the reporting of monitoring data and other information required by the Administrator.

Section 11, Closure and Post-closure Standards.

- a. Closure and Post-closure Standards have been consolidated in new Section 11.
- b. Post-closure land use standards in former Section 7(a) have been moved to new Section 11(j)(ii)(C)(I).
- c. Commencement of closure standards were moved from former Section 7(i) to new Section 11(a) and revised to match Chapter 2, Section 12(a). Previously, closure activities needed to begin within nine months after the entire facility ceases receipt of waste and be completed within twelve (12) months following commencement. This standard can result in disposal units remaining without final cover for many years. More timely construction of final cover reduces threats to groundwater. Periodic installation of final cover also spreads the cost of construction over many years, easing the financial burden to operators. As proposed, like Chapter 2, closure activities must begin within thirty (30) days after each unit receives the last known final receipt of waste and be completed within one hundred and eighty (180) days. This section also adds new provisions for the Administrator to approve delayed closure and extensions of the closure period.
- d. To be consistent with Chapter 2, notification standards were added in new Section 11(b). This section requires the operator to notify the Department prior to the commencement of closure activities and after completion of closure activities. Information like this was previously required in renewal applications, therefore this reporting facilitates permits issued for the life of the facility. This provision also helps ensure that records of closure are available when the operator is ready to terminate a post-closure and certify that closure activities have been completed. Periodic documentation will help avoid the need and cost of documenting the completion of closure activities many years after it has been done.
- e. Notice on deed standards, formerly in Section 7(c), were moved to new Section 11(c) and edited to be consistent with Chapter 2. This requirement ensures that long-term property restrictions are maintained to avoid damage to the final cover system and protect public health and the environment.
- f. Final cover design and construction standards were consolidated in new Section 11(e).
- g. Standards for monitoring, recordkeeping, reporting, and supporting documentation were consolidated in Section 11(f), (g), (h), and (i) respectively.
- h. Closure permit application requirements (the contents of a closure permit application) were consolidated in new Section 11(j).

Section 12, Corrective Action Standards.

a. New Section 12 was added to incorporate corrective action requirements that have not been in the rule before.

b. New Section 12(a) specifies that corrective action is complete when the owner or operator complies with groundwater protection standards at all points of the contaminant plume that lie beyond the relevant point of compliance. Provisions are included for the Administrator to approve an alternate length of time for the operator to demonstrate compliance with groundwater protection standards.

Sections 13, Financial Assurance Standards

a. Added to clarify that applications need to demonstrate compliance with Chapter 7 financial assurance standards. References to other chapters were included in several parts of the current Chapter 4 rule and have been consolidated in this section.

Section 14, Transfer, Treatment and Storage Facility Standards.

a. Added to clarify that applications need to demonstrate compliance with Chapter 6 transfer, treatment and storage facility standards. References to other chapters were included in several parts of the current Chapter 4 rule and have been consolidated in this section.

Section 15, Special Waste Standards.

a. Added to clarify that applications need to demonstrate compliance with Chapter 8 special waste standards. References to other chapters were included in several parts of the current Chapter 4 rule and have been consolidated in this section.

Section 16, Commercial Solid Waste Facility Standards.

a. Added to be sure operators are aware that they need to comply with the requirements of Chapter 10 (Recycling and Processing Requirements for Commercial Solid Waste management Facilities) and W.S. 35-11-514 (Approval of Commercial Solid Waste Management, Commercial Incineration and Disposal Facilities).

Section 17, Supporting Documentation/Appendices.

a. Supporting documentation requirements from former Sections 2(b)(ii)(B) - (I) were consolidated in new Section 17.

b. New Section 17(b)(iv)(G) was added to be consistent with Chapter 2 and ensure that special waste areas are shown on maps and can be considered in surface water management, traffic control and other plans.

c. Former Section 2(b)(ii)(G) (new Section 17(b)(v)) was edited to give the Administrator the flexibility to approve alternate map scales.

d. As noted above, former Section 2(b)(ii)(F) that allowed submittal of maps that only addressed the first permit term was eliminated because it is necessary to understand site development for the life of the site and because renewal applications will not be necessary after a facility receives a permit under the new rule.

e. New Section 17(b)(vii)(H) was added to be consistent with Chapter 2 and to ensure that drawing details are included for special waste management areas, if applicable.

f. New Section 17(b)(vii)(I) was added to require design details for engineered containment systems, if applicable.

g. New Section 17(b)(vii)(J) was added to require construction quality control/quality assurance plans for engineered containment systems, if applicable.

h. Former Section 2(b)(ii)(H)(VIII) (new Section 17(b)(vii)(K)) was edited to clarify that the Administrator may request other design details.

i. Former Section 2(b)(ii)(I) (new Section 17(c)) was edited to clarify that blank recordkeeping logs/forms need to be provided in the permit application.

SUMMARY OF PROPOSED REVISIONS TO CHAPTER 6

Chapter 6 was revised to consolidate similar topics into individual sections; eliminate unneeded text and requirements; extended permit terms to the life of the facility; clarified the groundwater monitoring requirements to be consistent with Chapter 2; added requirements that applications for LH/LV facilities include a brief facility narrative and a location standard demonstration; added a requirement that applications for LH/LV facilities, except for municipally operated facilities which are not required to have financial assurance, include a detailed description of closure tasks so that closure costs can be estimated for financial assurance; clarified monitoring and corrective action requirements to be consistent with Chapter 2; clarified reporting standards and when permit amendments are needed and corrected redundancies, grammar, and formatting errors.

Section 1, In General.

a. Paragraphs (b) through (e) are unnecessary and have been deleted.

b. New Section 1(b)(i)(B) was shortened and revised to accommodate the elimination of closure permits.

c. New Section 1(b)(iii)(A) "Anticipated closure" was changed to eliminate closure permits. Operators shall now notify the Administrator thirty (30) days before commencing closure. Closure shall be completed in ninety (90) days unless additional time is granted by the Administrator. Within thirty (30) days after completing closure activities the operator must

notify the Administrator. When the Administrator determines that closure has been completed, the permit will be terminated and financial assurance returned to the operator.

d. New Section 1(b)(iii)(B) “Unanticipated closure” was edited to be consistent with New Section 1(b)(iii)(A) “Anticipated closure”.

e. New Section 1(b)(iii)(C) “Mobil transfer, treatment, and storage facility closure” was edited to include a thirty (30) day time period for the operator to notify the Administrator if the operator no longer plans to operate the facility.

f. New Section 1(c) “Permit terms” was edited so permits will be issued for the operating life of the facility through closure and completion of any required remediation activities, as approved by the Administrator.

g. New Section 1(d) was added to provide reference to definitions found in W.S. 35-11-103(a) and (d) of the Wyoming Environmental Quality Act and the definitions in Solid Waste Rules and Regulations Chapter 1.

Section 2, Permit Application Requirements.

a. The heading for this section was edited to clarify that operators of facilities such as Low Hazard/Low Volume (LH/LV) must comply with the requirements of Chapter 6 whether or not the operator must submit a detailed permit application.

b. Section 2(b)(ii) was edited to clarify that LH/LV permit applications, including those for fixed and mobile facilities, do not need to be prepared by a professional engineer, nor do permit application forms for these facilities need to be stamped by a P.E.

c. Permit application requirements for LH/LV facilities, other than mobile facilities, were consolidated in Section 2(c). Provisions were added requiring these applications to include a brief narrative about the facility and a location standard demonstration. To ensure adequate financial assurance, LH/LV applications, except those for municipally operated facilities that are not required to have financial assurance, must now provide closure information sufficient to demonstrate compliance with Chapter 7 Financial Assurance Requirements.

d. New Section 2(d) was added to summarize the information that must be included in permit applications for mobile and full-size fixed facilities.

Section 3, General Facility Information.

a. General facility information was consolidated in Section 3 from former Section 2(b)(iii)(A) through (L).

b. Permit application standards from former Section 2 were generally reorganized and consolidated into sections with similar standards. Permit application standards from former

Section 2(b)(iii)(F) through (L) were relocated and consolidated to new sections for location standards, geology, design, operation, monitoring and closure.

- c. Map and plan standards from former Section 2(b)(iv) through (vii) were consolidated in Section 17.
- d. Financial assurance standards from former Section 2(b)(viii) were relocated to new Section 12.
- e. Permit application standards from former Section 2(d) for different facility types were consolidated to eliminate duplication and requirements that only apply to a specific type of facility were noted in those sections.
- f. Renewal application standards from former Section 2(e) are consolidated in new Section 2(e).
- g. Closure permit requirements specified in former Section 2(f) will no longer be needed because permits will be issued for the life of the facility through closure and completion of any required remedial actions.
- h. Permit terms in former Section 2(g) were moved to Section 1 and edited there.
- i. Financial assurance requirements from former Section 2(h) were moved to Section 12.
- j. New Section 3(c), "Access Agreement" was added to address 2015, Senate Enrolled Act No. 61.

Section 4, Location Standards.

- a. Location standards are now in new Section 4.
- b. Former Section 3(a)(ii) prohibiting the siting of facilities in areas the Administrator finds may effect surface or groundwater has been eliminated because design, construction and operating standards address these issues.
- c. Former Section 3(a)(iv) prohibiting the siting of facilities where they may present a dust or odor problem has been eliminated because design, construction and operating standards address these issues.
- d. Outdoor waste management standards in former Section 3(a)(v) have been shortened and consolidated in new Section 4(e).
- e. Former Section 3(a)(v)(D), "Distance to surface waters" was eliminated because facilities may not be located in floodplains or wetlands.

- f. Former Section 3(a)(v)(I) wetland standards was moved up to new Section 4(d).
- g. Former Section 3(a)(vi) incinerator standards have been eliminated because these standards are based on statutory location standards for disposal facilities and are not statutorily applicable to incinerators.
- h. Separate location standards for new LH/LV facilities in former Section 3(b) were duplicative and unnecessary and have been eliminated.
- i. Former Section 2(c) location standards for mobile facilities has been eliminated and these facilities will now be subject to the same location standards as other transfer, treatment and storage facilities as specified in new Section 4.

Section 5, Geology, Hydrology, and Hydrogeology.

- a. Geology, hydrology, and hydrogeology standards have been consolidated in new Section 5.

Section 6, Design and Construction Standards.

- a. Design and construction standards for all facility types have been consolidated in new Section 6, formerly Section 4. Paragraph headings have been added as applicable and minor edits made to shorten and consolidate text.
- b. Clarified in new Section 6(b) that access restrictions are also needed for mobile treatment facilities.
- c. Buffer zones in new Section 6(g) were increased from ten (10) to twenty (20) feet to be consistent with Chapter 2, Section 7(c) landfill standards, Chapter 1, Section 1(b)(li) LH/LV facility standards, and Chapter 1, Section 1(g) exempt facility standards. Former Section 4(a)(vii) has been combined with new Section 6(g) and buffer zones will now be required for mobile facilities as well.
- d. New Section 6(h) “Surface water structures” was edited to be consistent with Chapter 2, Section 7(e) and clarifies the need for mobile facilities to control run-on and runoff.
- e. New Section 6(i)(i) was updated to reflect secondary containment requirements in 40 CFR 112.8(c)(2).
- f. Former Section 4(a)(i)(x) regarding design and construction standards under Chapter 8 is now addressed in new Section 14.
- g. Former Section 4(b) with design and construction standards for LH/LV facilities has been consolidated in new Section 6. New Section 6 specifies which standards are applicable to different types of facilities.

h. Former Section 4(c) with design and construction standards for mobile facilities has been consolidated in new Section 6. New Section 6 specifies which standards are applicable to different types of facilities.

Section 7, Operating Standards.

a. Operating standards for all facility types have been consolidated in new Section 7, formerly Section 5. Paragraph headings have been added as applicable and minor edits made to shorten and consolidate text.

b. Former Section 5(a)(i) training standards have been eliminated.

c. Recordkeeping standards in former Section 5(a)(xviii) are addressed in new Section 9.

d. Former Section 5(b) with operating standards for LH/LV facilities has been consolidated in new Section 7. New Section 7 specifies which standards are applicable to different types of facilities.

e. Former Section 5(c) with operating standards for mobile facilities has been consolidated in new Section 7. New Section 7 specifies which standards are applicable to different types of facilities.

Section 8, Monitoring Standards.

a. Monitoring standards have been consolidated in new Section 8.

b. Former Section 6(b)(iii), referencing monitoring well permits required by Chapter 3 of the Water Quality Rules, has been deleted because the permits are no longer required.

c. Former Section 6(b)(iv) "Analysis" and (v) "Corrective Actions" have been deleted. Requirements for detection monitoring, assessment monitoring, and corrective action have been replaced entirely with new text in new Section 8(c)(iii) that is based on proposed changes to Chapter 4 monitoring requirements. The new text in Section 8(c)(iii) is also similar to Chapter 2 requirements for detection and assessment monitoring and the procedures for identifying groundwater contamination and determining the measures that need to be taken if contamination is detected.

d. Former Section 6(b)(vi) has been deleted and the groundwater reporting requirements moved to new Section 10(b)(ii). All facilities required to monitor groundwater will be required to submit the data electronically in a format approved by the Administrator.

e. Former Section 6(f) has been deleted and is no longer needed because statistical evaluations and reporting of monitoring data are addressed in new Sections 8(c)(iii) and 10(b)(ii) respectively.

Section 9, Recordkeeping Standards.

a. Recordkeeping has been consolidated in new Section 9 from former Sections 5(a)(xviii), 5(b)(vii), and 5(c)(xix). The proposed rule clarifies the records must be maintained for all facilities and the records that must be maintained for mobile and full-size fixed facilities.

b. Because training requirements have been removed from the rule, the corresponding recordkeeping requirement in former Section 5(c)(xix)(C) has been deleted.

Section 10, Reporting Standards.

a. Reporting standards from former Section 5(c)(xviii) have been moved to new Section 10(a).

b. New Section 10(b) was added to clarify basic reporting requirements for monitoring data and to define when an operator needs to amend a permit.

c. Monitoring data reporting requirements from former Section 6(b)(vi) were consolidated in new Section 10(b)(ii).

d. New Section 10(b)(iii) was added to clarify when permit amendment applications need to be submitted.

e. New Section 10(b)(iv) was added due to the potential need for additional information to be reported.

Section 11, Closure Standards.

a. Closure standards from several sections of the former rule have been consolidated in new Section 11. The rule clarifies standards that apply to fixed and mobile facilities.

b. Former Section 7(ii) regarding notice of closure to the public is unnecessary and was deleted.

c. LH/LV facility closure standards have been consolidated in new Section 11(b) and former Section 7(b) eliminated.

Section 12, Financial Assurance Standards.

a. All references to financial assurance requirements in Chapter 7 in the rule are now addressed in new Section 12.

Section 13, Corrective Action Standards.

a. Corrective action standards were not in the current rule. New Section 13, based on corrective action standards in Chapter 2, was added.

Section 14, Special Waste Standards.

a. All references to special waste standards in Chapter 8 in the rule are now addressed in new Section 14.

Section 15, Commercial Solid Waste Facility Standards.

a. New Section 15 was added for clarification consistent with Chapter 10 of the Solid Waste Rules and W.S. 35-11-514.

Section 16, Additional Information.

a. New Section 16 was added to accommodate the very diverse types of facilities that may be permitted under Chapter 6.

Section 17, Supporting Documentation.

a. Former Sections 2(b)(iv) through (vii) were moved to new Section 17. Section headings were added for clarification.

b. New Section 17(c) was edited to allow more flexibility in the scale of maps that are submitted in permit applications.

The Council finds that these regulations are reasonable and necessary to accomplish the policy and purpose of the Act as stated in W.S. §35-11-102, and have been promulgated in accordance with the rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this 19 day of FEBRUARY 2019.

MEGHAN LALLY
Hearing Examiner – *Printed Name*
Wyoming Environmental Quality Council


Hearing Examiner – *Signed Name*
Wyoming Environmental Quality Council

